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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,249	03/18/2004	Martin William Kendig	7784-0201COA	5988
65961 7590 08/23/2007 HARNES DICKY & PIERCE, PLC P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER ANTHONY, JOSEPH DAVID	
			ART UNIT 1714	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,249

Applicant(s)

MARTIN WILLIAM KENDIG

Examiner

Joseph D. Anthony

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-74 and 76-85 is/are pending in the application.
- 4a) Of the above claim(s) 60-72, 74 and 76-84 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-59, 73 and 85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 60-72, 74 and 76-84 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention for the reasons set forth by the examiner in the office action mailed 05/03/07. This restriction is thus made Final.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 43-59, 73 and 85 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claim 43 clearly contains new matter in the following ways:

1) The claim does not require that the corrosion inhibitor comprises a supramolecular oxo-anion. It must first be pointed out that the present application was filed on 03/18/2004 as a straight continuation of parent application S.N. 09/915,248 now U.S. Patent Number 6,716,370. On 05/11/2004 applicant filed a preliminary amendment amending the abstract to delete the limitation of "supramolecular" before the original phrase of "supramolecular oxo-anion compositions". Applicant made no attempt to show

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support for said deletion in the description as originally filed, and the examiner can find none. It is clear from applicant's originally filed specification, abstract and claims that applicant's invention was limited to "supramolecular oxo-anion compositions" and their use to inhibit corrosion, see specification section [0002]. The effect of said deletion of "supramolecular" is to greatly expand the scope of the oxo-anion compositions and is thus deemed to be new matter.

2) Applicant's said preliminary amendment filed on 5/11/2004 also added new matter to newly filed independent claim 43 because the corrosion inhibitor can now be added to the metal substrate in the form of a "film", in light of applicant's amendment to the abstract as followed: "The various compositions can be formed as a film or absorbed in to a substrate to reduce or inhibit a corrosion of the substrate." The only mention of "film" in the original filed specification was in regards to passive films on the substrate such an oxide film on an aluminum substrate. To use the disclosed oxo-anion compositions in the form of separate distinct film, that can subsequently be contacted with the metal substrate is deemed to be new matter.

3) Applicant's said preliminary amendment filed on 5/11/2004 also added new matter to newly filed independent claim 43 in regards to the following: "forming a barrier, to inhibit corrosion of said metal substrate, of a corrosion inhibitor relative to said substrate;" and "wherein said barrier is operable to inhibit corrosion relative to said metal substrate". It needs to be said that applicant provided no support for said limitations, and such are deemed to greatly expand the scope of the spatial relationship of the applied composition to the metal substrate. In fact, the examiner can find no

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support in the originally filed description to the word "barrier" or the relationship of "relative to said substrate". Applicant's originally filed description is clearly limited to coating the metal substrate (which may have a precoating such as an oxide coating) with a supramolecular oxo-anion composition.

4) Applicant's said preliminary amendment filed on 5/11/2004 also added new matter to newly filed independent claim 43 in regards to the following: "an oxo-anion including the general formula A_NO_N wherein A is a selected element, O is oxygen and N is a number;". The specific added new matter is the phrase "and N is a number". Since zero (i.e. 0) is a number, when zero is selected as the number, this would result on there being NO oxo-anion at all in the barrier. Applicant once again made no attempt to point out where there is support in the originally filed description for a corrosion inhibiting composition that does not comprise any supramolecular oxo-anion component at all.

Dependent claims 44-59, 73 and 85 are being rejected here because they either contain all or some of the above new matter problems and/or are dependent on a rejected base claim.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 43-59, 73 and 85 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Independent claim 43 is deemed to be very indefinite in the following ways: 1) the

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limitations of "forming a barrier, to inhibit corrosion of said metal substrate, of a corrosion inhibitor relative to said substrate;" and "wherein said barrier is operable to inhibit corrosion relative to said metal substrate" totally confuses the claim in regards to the spatial relationship of the applied composition to the metal substrate., and 2) the limitation of "an oxo-anion including the general formula A_NO_N wherein A is a selected element, O is oxygen and N is a number;" totally confuses the claim since when N is selected to be zero this would result on there being NO oxo-anion at all in the barrier. This renders the claimed method meaningless.

Dependent claims 44-59, 73 and 85 are being rejected here because they either contain all or some of the above indefinite problems and/or are dependent on a rejected base claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 43-59, 73 and 85 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tomlinson U.S. Patent Number 5,964,928 or Tomlinson U.S. Patent Number 5,759,244 or De Pue et al. U.S. Patent Number 5,322,560 or Floyd, Jr. U.S. Patent Number 5,330,635 or Ahearn, Jr. et al. U.S. Patent Number 5,205,922 or Bradley et al. U.S. Patent Number 4,310,390 or Verma et al. U.S. Patent Number 6,024,892 or Verma U.S. Patent Number 6,503,420 or Dolan U.S. Patent Number 5,449,415 or McCormick et al. U.S. Patent Number 6,261,622 or Minevski et al. U.S. Patent Number 6,500,276.

Please first note that the effective filing date for applicant's independent claim 43 is deemed to be 05/11/2004 which is the actual filing date of applicant's preliminary amendment which added all the new matter.

The two Tomlinson patents both teach aqueous composition for treating metal surfaces to prevent corrosion. These compositions comprise in part one or more Group IV-a metal in combinations with Group III-A metals in an acidic solution with one or more none-fluorine containing oxyanions, see column 13, lines 35-45 and column 14, lines 29-31 of the '928 patent. Applicant's claims are deemed to be anticipated over the references, but not limited only to, when the subscript N in applicant's general formulas is equal to zero. In the alternative, applicant's claims are deemed to be obvious over the references due to their highly indefinite nature that makes it virtually impossible to know the metes and bounds of the claimed subject matter.

De Pue et al. teach aluminum pigments treated with cerous silicate or cerous molybdate or cerous tungstate, see examples 2,7 and 8. Applicant's claims are deemed to be anticipated over the reference, but not limited only to, when the subscript N in applicant's general formulas is equal to zero. In the alternative, applicant's claims are deemed to be obvious over the reference due to their highly indefinite nature that makes it virtually impossible to know the metes and bounds of the claimed subject matter.

Floyd, Jr. et al. teach protective coating process for aluminum and its alloys. The process discloses using sodium tungstate or potassium molybdate as well as complex compounds of the above as sealing compounds, see column 6, lines 39-51. Applicant's claims are deemed to be anticipated over the reference, but not limited only to, when

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the subscript N in applicant's general formulas is equal to zero. In the alternative, applicant's claims are deemed to be obvious over the reference due to their highly indefinite nature that makes it virtually impossible to know the metes and bounds of the claimed subject matter.

Ahearn, Jr. et al. teaches the use of solutions of sodium titrate and sodium molybdate as effective corrosion inhibitors for preventing pitting on anodized aluminum surfaces. Applicant's claims are deemed to be anticipated over the reference, but not limited only to, when the subscript N in applicant's general formulas is equal to zero. In the alternative, applicant's claims are deemed to be obvious over the reference due to their highly indefinite nature that makes it virtually impossible to know the metes and bounds of the claimed subject matter.

Bradley et al. teach molybdate and tungstates compounds containing solutions as protective coating in processes for sealing anodic aluminum surfaces. Applicant's claims are deemed to be anticipated over the reference, but not limited only to, when the subscript N in applicant's general formulas is equal to zero. In the alternative, applicant's claims are deemed to be obvious over the reference due to their highly indefinite nature that makes it virtually impossible to know the metes and bounds of the claimed subject matter.

The two Verma references both teach anticorrosion solutions for dehumidification systems. The solutions contain in part heteropoly complex of transition metal oxo-anions, see column 3, line 13 to column 5, line 17 of the '892 patent. Applicant's claims are deemed to be anticipated over the references, but not limited only to, when the

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subscript N in applicant's general formulas is equal to zero. In the alternative, applicant's claims are deemed to be obvious over the references due to their highly indefinite nature that makes it virtually impossible to know the metes and bounds of the claimed subject matter.

Dolan and McCormic et al both teach anticorrosion compositions to treat metal surfaces. These compositions contain in part fluorine containing anions which may be oxo-anions and phosphorous containing inorganic oxyanions, see the abstracts and column 2, lines 15-60 and column 3, line 5 to column 4, line 19 of the '622 patent.

Applicant's claims are deemed to be anticipated over the references, but not limited only to, when the subscript N in applicant's general formulas is equal to zero. In the alternative, applicant's claims are deemed to be obvious over the references due to their highly indefinite nature that makes it virtually impossible to know the metes and bounds of the claimed subject matter.

Minevski et al teach polymetalate and hetropolymetalate conversion coatings of metal surfaces, see abstract. Applicant's claims are deemed to be anticipated over the reference, but not limited only to, when the subscript N in applicant's general formulas is equal to zero. In the alternative, applicant's claims are deemed to be obvious over the reference due to their highly indefinite nature that makes it virtually impossible to know the metes and bounds of the claimed subject matter.

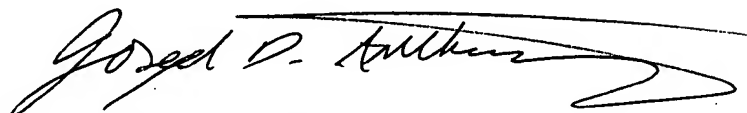
Prior-Art Cited But Not Applied

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8. Any prior-art reference which is cited on FORM PTO-892 but not applied, is cited only to show the general state of the prior-art at the time of applicant's invention.

Examiner Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (571) 272-1117. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The centralized FAX machine number is (571) 273-8300. All other papers received by FAX will be treated as Official communications and cannot be immediately handled by the Examiner.



**Joseph D. Anthony
Primary Patent Examiner
Art Unit 1714**

8/20/07